

RESOLUTION NO. 86-22

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY GRANTING AUTHORITY FOR HERBERTS GARBAGE SERVICE, INC. TO TRANSFER THE HERBERT GARBAGE FRANSHISES TO BROWNING-FERRIS INDUSTRIES OF FLORIDA INC., A DELAWARE CORPORATION: INCREASING DOMESTIC GARBAGE RATES UNDER SAID FRANSHISES FROM \$5.50 PER MONTH PER UNIT TO \$ 6.50 PER MONTH PER UNIT; AND RATIFYING AND CONFIRMING SAID FRANCHISES:

WHEREAS, St. Johns County has heretofore granted garbage franchises (the "Franchises") dated on or about September 14, 1976, and June 8, 1976, to Thomas F. Herbert and Genevieve Herbert; and,

WHEREAS, on or about September 25, 1979, St. Johns County authorized an increase in the monthly charges to domestic household subscribers under the Franchises to \$5.50 per month; and

WHEREAS, on or about May 12, 1981, St. Johns County granted authority for the transfer or assignment of the Franchises to Herbert's Garbage Service, Inc., and such assignments were effected; and

WHEREAS, on or about December 28, 1981, the current terms of the Franchises were extended to June 30, 1991; and,

WHEREAS, Herbert's Garbage Service, Inc. and Browning-Ferris Industries of Florida, Inc. have requested the consent of St. Johns County for the assignment of the Franchises from Herbert's Garbage Service, Inc. to Browning-Ferris Industries of Florida, Inc.; and,

WHEREAS, Herbert's Garbage Service, Inc. and Browning-Ferris Industries of Florida, Inc. have petitioned St. Johns County for rate increases under the Franchises; and,

WHEREAS, St. Johns County wishes to ratify and confirm the Franchises; and,

WHEREAS, notice of this proposed action was published in the St. Augustine Record on January 17, 1986;

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of St. Johns County, Florida, that:

1. Based upon a demonstrated need for such increases as set forth in a petition with supporting financial data filed with the County evidencing an increase in the cost of operation

under the Franchises, the franchisee is hereby authorized to charge each domestic householder subscriber for its services under the Franchises a sum of up to \$ 6⁵⁰ per month per unit.

2. Herbert's Garbage Service, Inc., is hereby granted permission to transfer and assign the Franchises to Browning-Ferris Industries of Florida, Inc. provided however that by its acceptance of said franchises, Browning-Ferris Industries of Florida, Inc. shall automatically be deemed to have agreed to comply with each and every provision of said franchises as amended, to have agreed that the County shall have 75 days within which to respond to any written rate increase requests by the franchisee, to have agreed that no rate increase shall be made unless the County first agrees thereto or fails to respond to franchisees written request within 75 days of receipt by the Clerk of said request, and to have further agreed that said franchises shall not be transferred, pledged or assigned by Browning-Ferris Industries of Florida, Inc. without the prior written consent of St. Johns County and that, unless otherwise consented to in writing by St. Johns County, Browning-Ferris Industries shall continuously own a majority interest in the outstanding stock of Browning-Ferris Industries of Florida, Inc.

3. The Franchises are hereby (i) ratified and confirmed and (ii) certified to be in full force and effect, without default.

4. This resolution shall not take effect until the attached CONSENT has been signed by Browning-Ferris Industries of Florida, Inc. and if not signed by said corporation prior to March 1, 1986 this resolution shall self destruct and shall be of no force or effect whatsoever.

This resolution being duly adopted by the Board of County Commissioners of St. Johns County, Florida this 11 day of February, 1986.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Francis W. Brubaker
Chairman

ATTEST: Cheryl Kent
Deputy Clerk

CONSENT

Browning-Ferris Industries of Florida, Inc. hereby consents to the above resolution authorizing transfer of the Herberts Garbage Franchises and agrees to be bound to and to comply with all the terms and conditions of the above resolution and the franchises described therein.

Dated: February 11th, 1986.

Browning-Ferris Industries
of Florida, Inc.

By: N. Dan Kelburn
Its President

Vice